

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JULY 16, 2015; 5:30 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,
TOM DAY, SCOTT FREITAG AND JOY PETRO**

ABSENT:

JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, JAMES “WOODY”
WOODRUFF, SCOTT CARTER, TERRY COBURN,
WES ADAMS AND THIEDA WELLMAN**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Stevenson opened the meeting and turned the time over to Staff.

AGENDA:

PRESENTATION – DAVIS AND WEBER COUNTIES CANAL COMPANY (DWCCC)

Ivan Ray with DWCCC introduced members of their Board; Chairman Scott Paxman and Vice Chairman Grant Cooper. He expressed appreciation to the Council and Staff for the great working relationship DWCCC had with the City. He introduced Engineer Lee Cammack, and Ken Spencer their Superintendent of Secondary Water.

Ken Spencer indicated that DWCCC had 5 employees that worked for him. He said they were on radio dispatch and were on call 24/7 during the water season. Mr. Spencer said the office had a 24 hour service number, and they were dispatched out if there was a problem. He said he had been doing this for 25 years. Mr. Spencer said they looked forward to continuing to provide services to the citizens of Layton. He said DWCCC had a good working relationship with the City.

Lee Cammack indicated that in the 1980s the canal company realized that with urbanization of the area, they needed to protect their water rights and make sure that there was an ongoing reliable revenue source to pay for infrastructure. DWCCC had a master plan done to provide service from Kaysville to Riverdale. Mr. Cammack gave a brief history of the canal company. He explained how some of the fees were used to pay for maintenance and capital improvements.

Mr. Scott Paxman said the Canal Company was open to any ideas or proposals the City wanted to make.

Mr. Ray presented information about grants they had received in the last 10 years from the federal government and the projects they were completing with the grant funds. He said because of the 1999 canal breach, they were required to have a 10 year plan in place. Mr. Ray explained the class action law suit they were involved in because of the breach and the costs associated with that law suit. He explained the loans that would be paid off; DWCCC was in good financial shape.

Mr. Ray indicated that their water rights were from the 1800s, and they managed East Canyon Reservoir and Echo Canyon Reservoir. He said at the end of last year, they had over 19 thousand acre feet of water left in Echo Canyon; that was usually 5 to 8 thousand acre feet at the end of the season.

Mr. Ray said the Canal Company appreciated the services they were able to provide in the City. He said DWCCC had over 15,000 connections. Mr. Ray explained a project for piping some additional areas of the City.

James “Woody” Woodruff, City Engineer, asked how many connections were in Layton City.

Mr. Ray said they had 1,140 secondary water connections in the City and there were 32,000 acres of agricultural land under irrigation. Mr. Ray said they could add service areas as approved by the City.

Councilmember Freitag asked about connections in the Wild Horse Springs Subdivision.

Mr. Ray said dry lines were installed by the developer with the anticipation that at some point a trunk line would be there and available for them to tie into. He explained the difficulty in providing additional water as the cost of shares went up; shares were currently at \$16,500 to \$18,000 per share.

Mr. Ray said the City now required a developer or individual to bring the amount of water for their parcel of property, through an exaction, to the City. He said the Canal Company could then provide the water.

Mayor Stevenson said the water was turned into the City and then that water was used on that property.

Mr. Ray said that was what it was meant to do.

Mr. Cammack said if the community exacted water, the community retained ownership of the share but agreed, in essence, to rent that water to the irrigation system for the cost of the assessment.

Mayor Stevenson said, for example, if he had three shares of water and wanted it applied to a certain piece of property, and gave the water to the City, but he hadn’t started developing the property yet, could the water still cover the hay he was growing on the property.

Mr. Cammack said as long as the City was willing to commit the water to that development in the future.

Mr. Ray explained the tri-lateral agreement between the City, DWCCC and Weber Basin.

There was discussion about how water was supplied in some areas of the City.

Mr. Cammack explained additional infrastructure that would be required to supply additional areas of the City.

Mayor Stevenson asked if they had enough water to supply all of Kaysville, Layton and Syracuse.

Mr. Cammack said the Canal Company didn’t have water to provide; the shareholders owned the water. The only water the Canal Company had available for the system was through water that was set aside by the shareholders for pressurized water. Any additional water would come through exaction or from another irrigation company.

Mayor Stevenson said the City had somewhat of a unique situation; creeks that came into the City, and reservoirs that held that water. He asked how valuable that was to the City.

Mr. Cammack said it was extremely valuable; the City had some great water sources and storage facilities that were high enough to pressurize the entire system. The Canal Company had historically served a bunch of these areas and provided supplemental water to existing smaller irrigation companies. He said if he was the City, he would be looking at ways to take advantage of those resources, because they were very valuable resources. Mr. Cammack said the limiting resource for development was water.

Mayor Stevenson asked if they would want to provide secondary water to areas like Wild Horse Springs.

Mr. Cammack said the Canal Company wasn’t a for profit organization that generated revenue; they couldn’t borrow money to put in new infrastructure and put shareholders at risk without assurances that

the debt could be paid back. The only hard asset was the water shares; everything else would eventually wear out and have to be replaced.

Councilmember Petro said that was the same with every water company.

Mayor Stevenson asked how water could be taken out of Layton if it wasn't being utilized in Layton.

Mr. Cammack said the City didn't own the water; the City had the right to use the water. He said that right was defined by being able to put it to beneficial use. He said the law was set up that if the City didn't put the water to beneficial use for a certain period of time, they could forfeit the right to use that water. Mr. Cammack said from a practical standpoint, one advantage of the City was that water wasn't easily transportable. He said one thing that had made DWCCC water valuable was that it was transportable because it came from very high up in the system and could be diverted at multiple locations between the top of the mountain and the valley. Mr. Cammack said quite a bit of DWCCC water had been transferred into other areas. He said in the 1980s the shareholders determined that they didn't want that to continue to happen at the rate that it was and made sure the water could be put to beneficial use so that it didn't get transferred to other places or that they didn't potentially risk the right of using the water.

Mr. Grant Cooper explained how irrigation companies in the Cache Valley area had joined together to form a water association, which had allowed for urbanization of the area. The difficulty with doing that in Layton would be in bringing the various companies together for the betterment of the City.

There was discussion about grants.

Mayor Stevenson asked if Layton would take control of the various irrigation companies, could the City qualify for grants.

Mr. Cammack said yes, but Layton probably couldn't get enough grants to fund the infrastructure that would be needed. Being able to show conservation, and having money available to match the grant funds, was a key component in receiving grant funds.

Councilmember Petro asked Mr. Ray to explain their staffing structure.

Mr. Ray said there were 13 employees, with 9 on the outside that included a reservoir caretaker with Weber River. The office had 4 employees including an accountant, assistant accountant, secretary and himself. He said they billed all of the Layton connections and collected the money. Some of their cities did billing through the City utilities, but they were able to do it either way. Mr. Ray said there were 5 personnel that ran the secondary water systems.

Councilmember Day said what came off the mountain was a great resource, but it hadn't been enough traditionally through the history of the valley. He said there wasn't a lot of water that was just running to the lake.

Mayor Stevenson said the City needed to be smart and use all the resources it had to take care of water needs into the future.

Mr. Ray said to protect against the forfeiture issue, DWCCC allowed shareholders to put their shares into a rental pool, which the State considered being put to beneficial use.

Wes Adams, Water Supervisor, said when they indicated that they were at capacity, were they talking about shares or storage and infrastructure.

Mr. Cammack said it was storage and infrastructure.

Wes said if a developer turned in water through exaction, they really couldn't expand into that

development.

Mr. Cammack said not without spending more money. He said it wasn't storage as much as it was distribution infrastructure.

Mayor Stevenson expressed appreciation to DWCCC for their presentation.

OPEN FORUM – DAVIS COUNTY COMMISSIONERS

Mayor Stevenson introduced Commissioners Petroff and Smith.

Commissioner Petroff indicated that they tried to get around to all of the city councils in the County. He said they wanted to know what was going on in the various cities and how they could help out. Commissioner Petroff said most everything that went on in the County was happening in the cities. He said only about 2% of the County was unincorporated. Commissioner Petroff expressed his love for Layton City.

Mayor Stevenson said the City was very fortunate to be getting transportation dollars and the County had been involved in that. The cities and County had to work together to get as much funding for the County as possible, similar to what Utah County had been able to do.

Commissioner Petroff said the squeaky wheel was taken care of.

Councilmember Freitag said Commissioner Petroff had been involved with the 911 issues relative to the communication centers in Davis County. He said everyone got a little bit of a scare during the last legislative session with discussions about consolidation. Councilmember Freitag said the 911 Committee received a grant application from the Utah County group for a new phone system, which he thought was the same phone system that the Davis County group had looked at, or had originally proposed a grant for. He said the Davis County group came back and said they would withdraw their application for now and look at some other things and come back. Utah County knew that, but they were still proceeding.

Councilmember Freitag said he thought they were going to be in a little bit of a pickle situation next week when that was addressed. He said they were concerned that Utah County was bringing that forward knowing what happened in Davis County; Utah County was just pushing forward with it. Councilmember Freitag said he wasn't sure what would happen next week at the 911 Committee meeting, and with final approval from the UCA. He said there had been a lot of debate back and forth about what the legislators meant by "functional consolidation."

Councilmember Freitag said some of the phone systems were at the end of life and CenturyLink was pushing back indicating that they didn't want to support anything past the current 6 or 7 year contracts. He said from a Director's perspective, he knew what happened when the phones didn't work; without a phone system you were in trouble.

Councilmember Day asked why they were coming to the end of their life.

Councilmember Freitag said it was technology; software and hardware changed and became worn out. He said companies such as CenturyLink would like to see the life at 5 years.

They discussed issues with 911 service and technology, and challenges associated with providing police and fire protection in the County and cities.

Mayor Stevenson mentioned the gas tax issue. He indicated that on the City's ballot there would be a school bond issue and a RAMP tax proposal. Mayor Stevenson said the City was in favor of the gas tax but he didn't know how all three tax issues would be received on the ballot.

Commissioner Smith said they were not unaware of that issue. He said the Transportation Coalition did a survey that was not resoundingly supportive in moving forward with the gas tax. Commissioner Smith said they were positioning themselves to move forward, but without a commitment.

Mayor Stevenson said if the transportation tax issue was bumped to next year, the City could provide citizens to promote the tax.

Commissioner Smith said up until now the direction had been that they were moving forward, but they were looking very carefully at it. He said the one thing they did not want to happen was to go to the public and then get turned down. Commissioner Smith said he was a little nervous about that.

Councilmember Brown said the biggest frustration from citizens was the amount of money going to UTA. She said if UTA wasn't part of the equation she felt more people would be in support of the tax.

Commissioner Smith said he wished people could get their facts about UTA from somewhere other than the headlines in the newspaper. He said that was the piece that was the hardest to overcome.

Mayor Stevenson said Layton City was a little different because it could show good things that UTA was and would be doing in the community.

Commissioner Petroff said transit in the Salt Lake valley had grown faster than any other area in the country, but it was hard to get people out of their cars. UTA didn't meet everyone's needs.

Commissioner Smith said UTA was listening to people; their mantra going forward was more buses, more routes, more often.

Councilmember Brown mentioned concerns with people paying to ride the train; it wasn't monitored very closely. She said citizens wanted to see that UTA was using the funding they already received wisely before giving them more money.

Commissioner Smith said if you were caught on the train without a ticket, the fine was very expensive. He said these were the same questions they were bringing up with UTA. Commissioner Smith said UTA struggled to be profitable.

Mayor Stevenson said if the gas tax went to next year, the City would promise to lead out in support of it.

Commissioner Petroff said Salt Lake had pushed the decision off again. He said the only way it would move forward would be if Salt Lake County moved forward; in order to get funding from the Coalition for advertising, they had to have critical mass, which was Salt Lake County plus one. Commissioner Petroff said he felt that it probably wouldn't go this year.

Commissioner Smith said he didn't want to do it and lose.

Mayor Stevenson said there would need to be discussion regarding animal control at some point.

Mayor Stevenson said Layton City helped generate a lot of revenue for the County, but the City wasn't one to hold out a hand for help. He said the City had two things that were coming that would need some help from the County; the Veterans Wall would need some help and support, and the City was working on improvements at the amphitheater.

Councilmember Freitag asked if there had been discussion about expansion of the Conference Center.

Commissioner Petroff said they had been talking about it six months ago; someone was looking into cost estimates.

Commissioner Smith said they were making some upgrades to the facility.

Councilmember Petro expressed appreciation to the Commissioners for coming to the City and having this discussion.

Gary Crane, City Attorney, said they had talked previously with Commissioner Milburn with respect to an issue. He said there were two counties in the entire State that used an old system of surveying that was something other than the one used by the State; one of those counties was Davis County. Gary said a couple of years ago the State passed a statute requiring everything that was developed after 2002 must adopt the new system because it was a national system. He said it was very expensive for cities and developers to do their documentation in both systems. Gary said he would send the Commissioners information about this problem.

Commissioner Smith said they had no idea that it was a problem; they would look into it.

Commissioner Smith thanked the City for the job they did with relationships with Hill AFB.

Commissioner Petroff said he was talking with General Conda, who had been retired for a period of time. He said the General indicated that they had good relations almost all around the world, but it was different here. Commissioner Petroff said the General stated that there was much more association with the people here; that was why he moved here. Commissioner Petroff indicated that several commanders bought homes here and moved here after retirement.

The meeting adjourned at 6:58 p.m.

Thieda Wellman, City Recorder